**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO. 2586 OF 2005**

Mrs. K. Vijaya w/o Kesava Murthy ...Applicant

Versus

Mehendran s/o late Muthuvel & Anr ...Respondents

.....

Ms. Mallika Ingale, Advocate for Applicant.

Ms. Sheetal Z. Awhad, Advocate for the Respondent No.2.

Ms. S.V. Gajare, A.P.P. for State.

.....

**CORAM: SMT. V.K. TAHILRAMANI, J.**

**DATED: 23RD JUNE, 2005**

**P. C.:-**

1. Heard the learned advocate for the applicant, learned advocate for respondent No.1 and the learned A.P.P. for the State.

2. The applicant has prayed for quashing of proceedings in Criminal Case No. 3455 of 2003 which is pending in the Court of learned Judicial Magistrate, First Class, Ist Court, Thane. In the said case, process has been issued against the applicant under Section 138 r.w. 141 and 142 of Negotiable Instruments Act. If the process issued against the applicant is set aside, the proceedings

in respect of the applicant would come to an end. The learned advocate for the applicant submitted that the learned Magistrate committed an error in issuing process and the said process deserves to be set aside.

3. For the reasons recorded in my order dated 13.6.2005 passed in Criminal Writ Petition No.213 of 2005 and order dated 21.6.2005 passed in Criminal Application No.550 of 2005, the applicant has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the applicant prefers revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicant to prefer revision before the concerned Sessions Court within four weeks from today.

5. On the necessary revision being preferred by the applicant before the concerned Sessions Court, the concerned Sessions Court shall dispose of the same on merits after hearing necessary parties.

6. Criminal application is disposed of.

*****